

EXHIBIT 3

Ross MacDonald, MD
New York, NY
September 10, 2021

Keith Powers,
Chair, Criminal Justice Committee
New York City Council
Via email

Dear Council Member Powers,

As a physician who has devoted a decade of my career to Rikers Island, and as the Chief Medical Officer for the New York City jail system, I am asking for your urgent assistance with an emergency situation that I do not believe the City of New York is able to remedy on its own.

Specifically, I ask that you urge the city to ask for outside help to immediately stabilize a situation that has resulted in death and threatens the health and well-being of everyone who works and resides in city jails.

While some might ascribe recent deaths and the “disorder and chaos” reported by the federal monitor to longstanding dysfunction of Rikers Island, it represents a new and worsening emergency that has developed over the course of the last year.

Over 10 years in leadership positions in healthcare in the city jails, I have seen tremendous progress in the conditions of confinement, with a reduction in deaths in custody from 21 and 24 deaths in 2012 and 2013 respectively to just 3 deaths in 2019. Many successes of the Department of Correction, Correctional Health Services and political leadership underpinned this progress. The City moved from a for-profit healthcare model to direct care under Health + Hospitals, created and expanded high-level mental health units (CAPS and PACE) and improved medical care delivery, substance use treatment and systematic quality improvement. This good work culminated in the heroism of the Department of Correction as they partnered with Correctional Health Services to respond to the first wave of COVID-19 in 2020, and did so more successfully than any urban jail system in the nation. The City and the Department deserve credit for these reforms and I personally take great pride in them. Hence, I do not write a letter such as this one lightly.

Unfortunately, in 2021 we have witnessed a collapse in basic jail operations, such that today I do not believe the City is capable of safely managing the custody of those it is charged with incarcerating in its jails, nor maintaining the safety of those who work there. The breakdown has resulted in an increase in deaths which we refer to as jail-attributable, where jail conditions meaningfully contributed to the death. Death and injury are predictable consequences of repeated failures to perform certain essential functions due to unavailability of staff. These include sustained failure to process and house new admissions to jail within 24 hours, resulting in pervasive problems of overcrowded pens where incarcerated people are held for days on end. The overcrowding leads to people kept for prolonged periods in temporary spaces such as showers, at times standing in feces. These conditions lead to fights over necessities including food. Unavailability of staff has resulted in delays in transferring patients to clinics for care, to mental health units or to the hospital, even when 911 has been activated and EMS has arrived to transport them. More recently we have seen breakdowns in basic functions such as failing to provide correctional staff to supervise some housing areas or observe incarcerated people placed on

suicide watch. Threats on our health staff have become commonplace and situations where clinical staff were assaulted or prevented from leaving an area have increased. Veteran healthcare staff feel unsafe to a degree they have never felt in 30 years of service. As critical jail functions break down, self-injury, medical emergencies, use of force and serious injuries all rise.

Without the ability to attend to basic jail operations, we are poorly positioned to control COVID-19 transmission within the jails and we have already seen a rise in cases. For the first time this year, COVID-19 rates in the jails seem to be outpacing the spread in the city. In many instances we are not able to transfer newly diagnosed patients to isolation settings for more than 24 hours and sometimes several days after diagnosis.

Though the plans articulated by Commissioner Schiraldi to address mass-absenteeism are reasonable and thought out, plans with months-long timelines are not adequate for the urgency of the situation. Faster intervention is required to minimize further injury, illness, and loss of life and this requires outside help.

Decarceration efforts, which are a proven public health response to COVID-19, have not been meaningfully pursued since 2020. Rather the city focuses on case processing through the courts, a slow remedy which also does not meet the urgency of the moment.

Commissioner Schiraldi has been forthcoming in acknowledging the severity of the situation and describes "sending up a flare to" City Hall, but he has been redirected toward a slow effort to address mass absenteeism that has been in motion now for months during which time the situation has worsened. Failure of the City to ask for outside assistance thus far in the face of clear documentation of the severity of the situation represents gross mismanagement, which threatens the health and safety of those incarcerated in the jails and all who work there. I am asking for your assistance in calling on the city to ask for outside help from the State of New York or from the Federal Government, to immediately remedy this emergency.

Priorities to be addressed upon arrival of outside assistance would include: Temporarily opening a shuttered jail facility on Rikers island to allow for enough housing for new admissions and COVID-19 protocols, staffing the intake process adequately to clear out overcrowded pens where incarcerated patients languish for days, securing clinical spaces so that healthcare staff can perform their duties safely and with adequate production of patients to clinic, staffing all housing areas, and of course relieving our colleagues in the Department of Correction from their posts when their tour of duty ends.

I write as a physician with a duty to my patients and staff and with no ill will to those involved, and I simply ask that you urge the city to ask for help to abate this emergency. It is well past time.

Respectfully,



Ross MacDonald, MD
Chief Medical Officer/Sr. Assistant Vice President
Correctional Health Services
New York City Health + Hospitals

CC:
Corey Johnson, Speaker
Vanessa Gibson, Chair, Committee on
Oversight and Investigation